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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/802,464 03/09/2001		Edward J. Bawolek	42390P4290DC	7263	
8791	7590 03/02/2004		EXAMINER		
	Y SOKOLOFF TAYLO SHIRE BOULEVARD, S	DIAZ, JOSE R			
	ELES, CA 90025	E VENTITI EOOR	ART UNIT	PAPER NUMBER	
	·	2815			
		DATE MAILED: 03/02/2004			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Apı	plication No.	Α	pplicant(s)				
		09/	/802,464	В	AWOLEK ET AL.				
Office Action Summary			aminer	A	rt Unit				
		Jos	é R Díaz	2	815				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).									
Status									
1)⊠ Responsiv	ve to communication(s) file	d on <u>09 March</u>	<u>2001</u> .						
2a) This action	n is FINAL . 2	b) This action	on is non-final.						
•	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
Disposition of Claims									
4a) Of the 5) ☐ Claim(s) _ 6) ☑ Claim(s) 2 7) ☐ Claim(s) _	4) Claim(s) 23-28 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 23-28 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.								
Application Papers									
9)⊠ The specif	ication is objected to by the	Examiner.							
10)⊠ The drawing(s) filed on <u>09 March 2001</u> is/are: a)□ accepted or b)⊠ objected to by the Examiner.									
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).									
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.									
Priority under 35 U.S.C. § 119									
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.									
Attachment(s)					. *				
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)									
3) M Information Disclo	rson's Patent Drawing Review (P sure Statement(s) (PTO-1449 or I Date <u>09 March 2001</u> .		5) 🔲 Noti	er No(s)/Mail Date. ice of Informal Pate er:	nt Application (PTO-	152)			

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: please amend the specification to include the parent priority data.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohzu (US Patent No. 5,506,430).

Regarding claims 23, Ohzu teaches a method comprising: exposing a plurality of photodiodes (101, 111) of an image sensor to a light source (see fig. 1A and col. 4, lines

31-34); and modifying a light receiving area of a first photodiode (102) and a second photodiode (112), such that, for a given size of light receiving area, a first photodiode is exposed to a greater amount of incident light (xy₁) than a second photodiode (xy₂) (see fig. 1).

Regarding claims 24 and 27. Ohzu further teaches wherein modifying the light receiving area comprises modifying on the basis of a responsivity of a color (R, G, B) assigned to one of the first photodiode and the second photodiode (consider, for example, the light receiving areas: x_Ry_R , x_Gy_G , and x_By_B in fig. 1B and col. 4, lines 45-50).

Regarding claims 25 and 28. Ohzu further teaches wherein modifying the light receiving area comprises masking (5) a portion of one of the first photodiode and the second photodiode from incident light (see fig. 5).

Regarding claim 26, Ohzu teaches a method comprising: providing an image sensor comprising a plurality of pixels (101, 111) (see fig. 1A and col. 4, lines 31-34); modifying a light receiving area of alternate pixels (102, 112), such that, for a given size of light receiving area, a first pixel is exposed to a greater amount of incident light (xy₁) than a second pixel (xy₂); and capturing an incident light (col. 4, lines 66-67 and col. 5, line 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nunogaki et al. (US Pat. No. 5,602,384) discloses a masking layer having openings 24 (see fig. 30); Back et al. (US Pat. No. 5,854,091) discloses a Application/Control Number: 09/802,464 Page 4

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color solid-state image sensor; and Miyake et al. (US Pat. No. 5,274,250) discloses

color image sensor with light-shielding layer.

Correspondence

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to José R Díaz whose telephone number is (571) 272-

1727. The examiner can normally be reached on 9:00-5:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

JRD 2/22/04 Com (homm